

THE CRITICAL CONNECTIONS BETWEEN CHILDHOOD EDUCATION AND JUVENILE JUSTICE

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Large numbers of American school aged children are “at-risk” of both school failure and delinquent behavior. Poor academic achievement has consistently been found to predict later delinquency. Children with lower academic performance are more likely to offend, more likely to offend frequently, more likely to commit serious offenses, more likely to engage in violent behavior, and more likely to persist in committing crime. School dropouts are almost four times more likely to be arrested than high school graduates. The Council on Crime and Justice concludes that the “research shows that quality education is the most effective form of crime prevention.” The Council found that the 10 states with the lowest high school graduation rates had a violent crime rate twice that of the 10 states with the highest graduation rates. No other socio-economic factor had such a positive correlation.

Generally speaking, children under 18 years of age are required to attend school, and children under 18 who are habitual truants or commit any crime are also subject to the jurisdiction of the juvenile court. There are a large number of American youth who are or will be subject to the jurisdiction of both school and juvenile court authorities. Despite the important role that educational success plays in preventing initial or continued delinquency, processes for effective collaboration between school and juvenile court authorities in meeting the educational needs of at-risk youth do not exist in many communities. In order to prevent delinquency, and rehabilitate juvenile offenders, we must dramatically strengthen the connections between our public schools and juvenile justice programs.

This paper will highlight eight critical areas in which the need for more effective collaboration between our schools and juvenile justice systems, and in many cases mental health agencies and social services providers as well, is particularly acute and briefly describe some of the promising practices and demonstration programs across the country designed to improve educational and juvenile justice outcomes for at-risk kids in these areas. The eight critical areas to be addressed include truancy, high school dropout, zero tolerance programs, child delinquency, educational services in juvenile corrections institutions, re-entry of juvenile offenders into school-based programs, and the special needs of youth with learning or emotional disabilities, and those in foster care.

TRUANCY

According to the Los Angeles County Office of Education, truancy is the most powerful predictor of juvenile delinquent behavior. A recent study in Miami showed that more than 70 percent of 13 to 16 year olds prosecuted for criminal violations were truants. As much as half of all juvenile crime is committed during school hours. Truancy is often the first sign that a young person is giving up or losing his or her way. The arrest records of 78% of prison inmates list truancy as the first entry.

In deciding what steps to take to reduce truancy schools should actively involve the juvenile court, law enforcement, parents, and service providers. A comprehensive community strategy should also include the following five elements: (1) a policy on truancy ensuring that students face firm sanctions including links, for example, to student grades and drivers licenses, but which does not allow students to be removed from enrollment merely due to excessive absences; (2) truancy prevention programs providing a continuum of services addressing the root causes of truancy and the unique needs of each student; (3) data collection and evaluation to determine what works and for whom; (4) active parental involvement in prevention and

enforcement activities; (5) early intervention. In addition, a recent national conference on truancy emphasized that focusing on attendance alone is insufficient. Student achievement and school attachment must also be addressed. Recent research findings document the pivotal role of “school connectedness” in reducing truancy and other problematic behaviors. One of the model programs cited at the recent national conference was “truancy courts” in which student volunteers serve as the judges and use positive peer pressure, family involvement, mentoring, graduated sanctions, and youth services to achieve positive outcomes.

HIGH SCHOOL DROPOUT

The most recent and accurate study to date of high school graduation rates indicates that only 68% of public high school students successfully graduate. 75% of white and Asian students complete high school while graduation rates for African-American, American Indian, and Hispanic students vary between 50% and 53%. The dropout rate for students from the lowest 20% of family incomes is six times higher than that of their peers from families in the highest 20%. In some urban school districts the situation is even worse. A recent Harvard University report on California high schools found that only 67% of whites, 47% of African-Americans, and 39% of Latinos graduated in 2002 in the Los Angeles Unified School District. In some Los Angeles high schools less than one third of ninth graders graduated on time.

According to December 2000 census data adults who did not complete high school earned an average income of about \$16,000 a year, compared to approximately \$25,000 for adults with a high school diploma or GED. Approximately 35% of the young adults who dropped out of high school were unemployed. Dropouts were also more likely to become dependent on public assistance and incur significant health problems. Most importantly for present purposes, research indicates that 75 percent or more of youth involved with the juvenile court system are high school dropouts. Nationally, studies show that 82% of prison inmates are high school dropouts. The Justice Policy Institute reports that 52% of black male high school dropouts have prison records by their early thirties, as compared to 10% of white male dropouts.

Important predictors of student high school dropout status include school size and academic quality, student-teacher relations, and student academic performance before entering high school. The recent Harvard University report also concluded that current education policies including those requiring annual standardized testing of students may exacerbate the dropout crisis by creating “unintended incentives for school officials to push out low-achieving students.”

Factors that prevent dropout include family involvement, cultural sensitivity, non-threatening environments, and student engagement. One Los Angeles high school principal says, “If you don't connect with students, they're going to drop out.” Another points to the need for early performance improvement: “We've got to raise performance beginning in elementary school.” State and federal dropout prevention programs also focus on:

- More accurate collection and evaluation of data;
- Policies to reduce absenteeism;
- Special assistance to particular groups of students including teen parents, children of migrant workers, and children whose native language is not English; and
- Family outreach counseling services and social support services.

High school students planning to drop out of the Chicago public schools, and their parents or guardians, are required to sign a “consent to withdraw” form that spells out the likely adverse consequences to the child of dropping out of school.

ZERO TOLERANCE PROGRAMS

The widening use of school zero tolerance programs has recently become quite controversial. The term “zero tolerance” was originally borrowed from the war on drugs where it described “tough” law enforcement responses to adult drug offenses. Congressional passage of the Gun-Free Schools Act of 1994 required states to enact laws mandating the expulsion of students found on school property with firearms. In the late 1980’s and 1990’s school districts initiated zero tolerance policies requiring suspension or expulsion not only for possession of firearms but for possession of all weapons and drugs, and for other juvenile offenses. Despite the fact that over the last 10 years violent crime rates at schools have dropped 50% and the youth arrest rate for violent crime has declined 47%, punishment through suspension or expulsion has more recently become the first response of many school districts to almost any act of misconduct, no matter how trivial. In addition, students are also increasingly subject to arrest or referral to juvenile or criminal courts for minor offenses.

School suspensions and arrests are also disproportionately incurred by students of color. Nationally, African-Americans constituted 17% of public school enrollment in 2000 while African-American students constituted 34% of public school suspensions. Researchers have concluded that these racial disparities cannot be accounted for by the social-economic status of students, or by any evidence that students of color misbehave more frequently than their white peers.

Between 2000 and 2004, the Denver public schools experienced a 71% increase in the number of student referrals to law enforcement and most of these referrals were for nonviolent behavior such as bullying and use of obscenities. Black and Latino students were 70% more likely to be suspended, expelled, or cited than their white peers. More than 40% of the arrests in the Chicago public schools in 2003 were for simple assault or battery involving no weapons or serious injuries, and 77% of the arrests were of African-American students even though African-Americans constituted only 50% of the student enrollment. 17% of the arrests by the Houston Independent School District Police in 2002 were for disruption and another 26% were for disorderly conduct.

School officials contend that these zero tolerance policies are cracking down on minor conduct before it becomes serious, creating an environment conducive to learning by removing children who do not want to learn, and shifting youth into the juvenile justice system to give them the help the schools cannot provide. In addition to the racial disparities, opponents, on the other hand, complain that school districts are “pushing out” low-performing youth, and that there is no evidence that expanded zero tolerance measures are effective in changing misbehavior or preventing violence and a growing body of research to show a link between disciplinary exclusion and negative outcomes for troubled students, including substance abuse and delinquency. The Center for Evaluation and Education Policy at Indiana University has also concluded that “schools with higher rates of suspension have been reported to have higher student-teacher ratios and a lower level of academic quality, spend more time on discipline-related matters, pay significantly less attention to issues of school climate, and have less satisfactory school governance.”

Opponents point out that the research shows that prevention and intervention programs are the most effective methods for addressing school violence and creating a productive learning environment. The Center for the Study and Prevention of Violence at the University of Colorado at Boulder, for example, has identified model school violence prevention and intervention programs that “meet a strict scientific standard of program effectiveness,” including Big Brothers Big Sisters of America, bullying prevention programs, life skills training, positive behavioral intervention and support programs, second step violence prevention programs, peer mediation, peer juries, and teen courts. Chicago Public Schools use “Community Panels for Youth” (CPY) to deal with some disciplinary matters as an alternative to juvenile court. CPY provides youth charged with crimes with the option of having their cases heard by panels of trained community volunteers who develop contracts with the youth that hold them accountable, build their skills, match the youth with an

engaged adult, and provide a monitoring panelist for three to six months. More than 80% of the students who participated in the program between 1997 and 2000 successfully completed their contracts, remained out of juvenile court, and avoided delinquency records as a result.

Reacting to the overuse of zero tolerance, in 2003 the Baltimore Public Schools Police Department issued a written directive to its officers to seek placements in diversionary programs, such as teen courts, community conferencing, or community mediation instead of arresting students. Reportedly, school authorities failed to cooperate with the new policy.

CHILD DELINQUENCY

The minimum age of criminal responsibility in the United States varies from age 6 to 10. Child delinquents are generally defined as juveniles between the ages of 7 and 12. The number of child delinquents handled in the nation's juvenile courts has increased 33% over the last decade. Children demonstrating persistent disruptive behavior during their preschool years are likely to become child delinquents during their elementary school years and, in turn, child delinquents are two to three times more likely to become serious, violent, and chronic offenders than the adolescents whose delinquent behavior begins in their teens. The antisocial careers of male juvenile offenders start, on average, at age 7 although the average age of first court contact is 14 to 15.

Of all known interventions to reduce juvenile delinquency, researchers indicate that preventive interventions that focus on child delinquency will probably take the largest "bite" out of crime. These efforts should be directed, first, at the prevention of persistent disruptive behavior, especially among pre-school aged children; second, at the prevention of child delinquency, particularly among disruptive children; and, third, at the prevention of serious and violent juvenile offenses, particularly among child delinquents. "The earlier the better" is a key theme in establishing interventions to prevent juvenile delinquency. Participants in one successful preschool project in Michigan that focused on three and four year olds at risk for school failure had lower rates of absenteeism from school, less delinquency, and fewer than half the lifetime arrests by age 27 compared to those in a control group. For every dollar spent on the project, taxpayers and crime victims saved more than 7 dollars.

Although nearly three quarters of child delinquency practitioners think that effective methods are available to deal with child delinquency, only 3-6% of practitioners think that current programs are effective in achieving this goal. Because child delinquents have many concurrent problems, practitioners almost unanimously agree that more coordination among the juvenile justice system, schools, child welfare and mental health agencies is essential to deal with very young offenders. In order to coordinate and fully integrate a continuum of care and sanctions for child delinquents an interagency council or governing body must develop a comprehensive strategy, make comprehensive assessments of referred child delinquents, and ensure interagency coordination in the delivery of services.

The Multi-Agency Assessment Program (MAPP) in Duval County, Florida is a successful collaborative, for example, involving law enforcement, schools, and the Department of Juvenile Justice and meets regularly to examine the background of first offenders between 10 and 15 years old. Through an intensive mentoring program and an eight-week violence prevention program MAAP has increased school performance and attendance, and decreased suspensions and arrests among participants.

EDUCATIONAL SERVICES IN JUVENILE CORRECTIONS INSTITUTIONS

Many incarcerated juveniles are marginally literate or illiterate and struggle with basic math. They often lag two or more years behind their peers in basic academic skills, and have higher rates of grade retention,

absenteeism, suspension and expulsion. The most common research finding in this field is that inmates and detainees who participate in educational programs while incarcerated are more likely to be employed and less likely to be re-incarcerated after release than non-participants. In fact, the Center on Crime, Communities and Culture reported that programs that promote education and literacy for youth are far more effective at reducing recidivism rates than “shock incarceration” or “boot camp” programs. For juveniles involved in quality education programs during confinement, re-offense rates can be reduced by 20% or more.

Learning should be the centerpiece of each youth's institutional experience. Although state constitutions guarantee all children the right to free public education and education services are offered to many juveniles in confinement, this is not always the case. In addition, many institutional educational programs are not approved by state education departments, the programs are often not designed to address each student's individual education needs, and students often cannot receive academic credit toward diplomas upon their transfer or release. According to research funded by the Office of Juvenile Justice and Delinquency Prevention (OJJDP), effective educational programs within correctional facilities should include not only basic academic skills, high school completion, and GED test preparation, but also special education, pre-employment training, and other programs aimed at improving the students' social, cognitive, and life skills. OJJDP has funded model learning environments for incarcerated youth in several states. The private organization Communities in Schools addresses the needs of 600 students in South Carolina's juvenile correctional facility in Columbia, South Carolina. Class sizes are small and manageable; teachers provide positive reinforcement and have time to give individualized attention.

Preparation for successful reintegration into community life must begin inside correctional institutions. In collaboration with four local universities and community organizations, The Jackson (Ms.) Public School District operates the Youth Court School at the Jackson-Hinds County Youth Detention Center. The program conducts a comprehensive educational assessment at intake, teaches basic academic skills, provides vocational training and support services, and requires parents to attend an 8 week effective parenting course. Many participants have received GED diplomas or successfully made the transition back into regular school, and later gone on to attend a local community college.

TRANSITION, RE-ENTRY AND RECOVERY

Transition of juvenile offenders from correctional education programs into non-custodial education programs and employment is sometimes referred to as the most ignored complement of correctional education programs. New York City Department of Education data indicate that more than two thirds of incarcerated juvenile offenders do not return to school upon release. Juvenile offenders are released from custody at times when schools are not prepared to admit new students. They have histories of truancy and suspension, and few high school credits. They often feel alienated from school. If the special needs of these offenders are not met they are likely to drop out of school and return to the juvenile justice system. Other barriers to school re-entry include:

- Schools, mental health agencies, and juvenile justice personnel are reluctant to share case information and risk management records which are often subject to complex and confusing confidentiality requirements;
- School personnel do not have sufficient offender information or training to properly manage juvenile offenders in a regular school environment;
- Absence of designated points of contact between the agencies involved creates problems in addressing admission and supervision issues; and
- There is a lack of sufficient resources to support the necessary interagency collaboration.

Important factors in successful school re-entry for juvenile offenders include:

- Effective inter-agency collaboration to address all of the student's individual needs;
- Clearly defined roles and responsibilities for each of the individuals and agencies involved in successful transitioning;
- Youth and family involvement in developing and executing the transition plan; and
- Speedy and appropriate placement in the least restrictive environment possible in light of the student's individual needs.

A common factor in successful re-entry programs is the formalization of re-entry programs, and adoption of procedures understood by all the necessary stakeholders. New York City, for example, created the inter-agency Committee on Court-Involved Students to identify and remove barriers to school re-entry, and the School Connections Center to conduct individual student educational assessments, transfer academic records, and expedite enrollment in community schools. 78% of the students served at the School Connections Center have been successfully placed in community schools and education programs and the retention rate of students for the ensuing school year was 66%. New York City also operates Community Prep High School, a transitional school that addresses the academic and social needs of students who are not ready to attend community schools upon release from custody.

Florida requires each school district to have a “cooperative agreement” with the Department of Juvenile Justice that includes plans for students transitioning into and out of juvenile justice facilities. This includes maintaining an academic record for each student while she or he is incarcerated. West Virginia requires that a plan be in place for the student's re-entry within 45 days of release from a secure care placement. The State of Washington has developed a Model Agreement between Schools and Juvenile Justice Agencies describing respective agency responsibilities, and inter-agency planning, procedures, and information exchange.

Chicago Public Schools' (CPS) Department of Dropout Prevention and Recovery has created The Reenrollment Center as a means to reenroll students in public schools, the Alternative Learning Opportunities Program to meet Illinois learning standards for those students involved in the juvenile justice system who are at-risk of academic failure, and Project Bridge to target those 16- and 17-year-old juveniles with less than five high school credits who upon release from a juvenile detention facility fail to report to the recommended educational program. The Department estimates that currently at least half of this latter population fails to reenter school upon release. Project Bridge provides intensive literacy training, basic life skills, social and emotional support services, vocational training, creative arts instruction, intensive mentoring, and daily attendance tracking.

LEARNING DISABILITIES AND EMOTIONAL DISORDERS

Compared with their peers, students with cognitive or emotional disabilities are more likely to do poorly in and drop out of school, more likely to be arrested, more likely to be adjudicated as delinquent and more likely to be placed in custodial facilities that lack the services required to address their special needs. It is estimated that while youth with learning disabilities and emotional and behavioral disorders account for approximately 10-12% of the general population in public schools, they account for as many as two thirds or more of the total number of youth in the juvenile justice system and between 70 and 87 percent of incarcerated youth. Youth with disabilities tend to demonstrate less impulse control, poor perception of social cues, greater susceptibility to peer pressure, and more significant challenges with appropriate social skills than their non-disabled peers. Having a disability puts a student at significantly greater risk than other students for being arrested while enrolled in schools – almost four times greater risk for students with learning disabilities and 13 times greater risk for students with emotional disturbances. 55% of students with emotional disturbances leave school before graduating. Dropping out of school has an even more devastating effect on students with

disabilities. One study reports that when compared to other students, students with disabilities who drop out of school are almost six times more likely to be arrested. A U.S. Department of Education study found that 73% of youth identified as having emotional disturbance were arrested within three to five years of dropping out of school.

Unfortunately, researchers have found that school systems often fail to identify children with disabilities, or fail to provide them with the services they require, and may inadvertently set the stage for and reinforce inappropriate behavior on the part of such students. Although youth with disabilities are entitled to the same special education services in the juvenile justice system as in their home schools, in many cases special education services only become available, if at all, after youth have been charged with or convicted of criminal behavior. Before a young person is released from the correctional facility it is critical that a transition plan be developed and integrated into the student's Individualized Education Plan (IEP) from the correctional facility so that it becomes a part of the new IEP at the student's home school upon release. Components of effective transition planning, especially for youth with disabilities, include interagency collaboration, team-based planning, and effective tracking and monitoring.

The "systems of care for children's mental health" funded around the country by the U.S. Center for Mental Health Services often involve effective collaboratives linking the schools, juvenile justice, mental health and other agencies in serving the needs of severely emotionally disturbed children. The programs have improved student grades and attendance, and reduced antisocial behavior and reported crimes. The National Center on Education, Disability and Juvenile Justice has synthesized research and identified exemplary programs and practices in the area of disabilities.

FOSTER CARE

Another group of students with special educational needs are foster children, i.e. those in court-ordered relative, foster family, or group home placement. Research shows that 30% of foster children perform below grade level, 50% are held back in school and 46% do not complete high school. An inadequate educational foundation results in the fact that within 2 to 4 years after emancipation more than half of foster children are unemployed, 40% are on public assistance, 25% become homeless and 20% are incarcerated.

The Wraparound Milwaukee Project has focused on children in out-of-home placement facilities and, working collaboratively, provided education and other services to return these children to their home communities. Most children involved in the program over the years have discontinued their earlier pattern of delinquent behavior.

Barriers to educational success for foster children include:

- Constant placement changes and school changes;
- Lack of planning in anticipating student needs;
- Adversarial relationships between the professionals working in public school systems and those in child welfare;
- Confidentiality constraints inhibiting the exchange of information;
- Lack of appropriate parental involvement in education decision-making; and
- Lack of supportive school services.

California's adoption of AB 490 effective January 1, 2004 offers a new paradigm for educational decision making for foster youth. The AB 490 legislation mandates that school personnel, social workers, probation

officers, juvenile court officers, and others all work together to serve the educational needs of children in out-of-home placement. Key provisions of AB 490 include:

- School stability, preferably in the school of origin;
- Immediate enrollment;
- Preference for mainstream school placement;
- Foster youth access to same academic resources and school services;
- Education and placement decisions dictated by best interests of the child;
- Requirement of a "foster care liaison" on school staff;
- Timely transfer of education information;
- Caseworker/probation officer access to school records; and
- Participation by the child and adult holding educational rights.

QUESTIONS FOR DISCUSSION

In light of the critical connections between childhood education and juvenile justice raised by this discussion paper, the issues for discussion at the Working Session on May 5, 2005 would seem to include the following:

- Has the public education system failed to meet the needs of children at risk for school failure, and, if so, why?
- Has the juvenile justice system failed to meet the educational needs of children subject to the jurisdiction of the juvenile court and, if so, why?
- Is there effective collaboration between school and juvenile court authorities in meeting the educational needs of at-risk youth, and, if not, why not?
- What top-priority strategies should be pursued to improve the performance of the public schools and juvenile justice system in meeting the educational needs of at-risk children?